THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26744 OF 2005

Dt.15.12.2005

Between:

Kancherla Naga Lakshmi … Petitioner

And

The Mandal Revenue Officer,

Pithapuram Mandal, East Godavari District

And 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies on behalf of the respondents.

The petitioner questions the action of the Mandal Revenue Officer, Pithapuram Mandal, East Godavari District in seizing the fair price shop and closing down the shop and directed the petitioner to submit representation to the Joint Collector, East Godavari District at Kakinada within 30 days from the date of the said panchanama report dated 28.11.2005.

Having regard to the facts and circumstances of the case, I am of the opinion that though the Mandal Revenue Officer has got power to

inspect and conduct panchanama and send a report to the Revenue Divisional Officer, who is the appointing authority of the fair price shop, he cannot suspend or prevent the petitioner from distributing essential commodities. The appointing authority alone suspends or cancels the authorization of the fair price shop. As long as the authorization of the petitioner is not cancelled or suspended, the petitioner cannot be prevented from distributing essential commodities. Accordingly, the respondents are directed to permit the petitioner to supply essential commodities as long as her authorization is not suspended or cancelled by the 2nd respondent.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

15.12.2005

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